(76)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) NO. 6483/2007

PETITIONERS

1. Jaushik Samal, s/o Lau Samal, aged about 30 years
2. Ramesh Kumar Patel, s/o Gangadhar Patel, aged about 28 years,
3. Umesh Kumar Sahu, s/o Raj Kishore Sahu, aged about 25 years
4. Nirmal Kumar Jatwar, s/o Tekram, aged about 22 years,
5. Subhash Kant Sahay, s/o Baharta Ram, aged about 23 years,
6. Salik Ram Pradhan, s/o Lokeshwar, aged about 32 years,
7. Tularam Rana s/o Parmanand aged about 25 years,
8. Smt. Deepanjali Pradhan, w/o Ramesh Pradhan, aged about 23 years
9. Ku. Kulesh Diwan, d/o Dukalu Singh, aged about 20 years,
10. Ku. Manjusha Das, d/o Dilip Das, aged about 20 years
11. Rukka Patel, s/o Khema Prasad, aged about 20 years,
12. Maleshwari Dhruv, d/o Gangaram, aged about 20 years
13. Ku. Jai Laxmi Jagat, d/o Parmanand aged about 19 years
14. Chandrika Sonwani, s/o Tularam, aged about 21 years,
15. Dukalu Nayak, s/o Chandrabhanu, aged about 21 years,
16. Mahesh Nayak, s/o Ram Ratan, aged about 22 years,
17. Mohar Singh Markam, s/o Rameshar aged about 25 years
18. Narendra s/o Vishnu Ram, aged about 19 years,
19. Gangaram Sidar, s/o Bir Singh, aged about 23 years
20. Nand Kumar Sao, s/o Rajendra Kumar aged about 19 years.
21. Balram Nishad s/o Shankar Nishad, aged about 29 years
22. Krishna Kumar Bhoi, s/o Sampat Lal, aged about 20 years,
23. Mansharam Bhardwaj, s/o Bhajan Ram, aged about 27 years,
24. Chitrasen Bhoi, s/o Amar Singh, aged about 25 years,
25. Virendra Choudhari, s/o Hari Shankar aged about 22 years,
26. Netram Dhruv, s/o Sumer Singh, aged about 19 years,

27. Chaitram Pardhi, s/o Dashru Ram, aged about 27 years,
28. Rohit Kumar Dhruv, s/o Parau Ram aged about 20 years,
29. Bhagwat Prasad Patel, s/o Ram Gopal Patel, aged about 19 years
30. Seema Nirala, d/o Geeta Ram, aged about 20 years,
31. Basant Chauhan, s/o Banshi Dhar Chauhan, aged about 29 years,
32. Indal Kumar Patel, s/o Jagdish Patel, aged about 26 years,
33. Roopdhar Nishad, s/o Banmali Nishad, aged about 28 years
34. Rishi Kumar Diwan, s/o Balak Ram, aged about 20 years,
35. Ku. Phulendri Patel, d/o Narottam Patel, aged about 20 years
36. Naresh Kumar Sahu, s/o Harihar Sahu, aged about 19 years,
37. Rajesh Kumar Nayak, s/o Tikam Nayak, aged about 26 years,
38. Ku. Usha Patel, D/o K.P. Patel, aged about 20 years
39. Ku. Kamlaya Sahu, d/o Banshi Lal Sahu, aged about 20 years,
40 Chumuk Lal Diwan s/o Anjor Singh, aged about 30 years
41. Roopkant Thakur, s/o Anirudh Thakur, aged about 24 years,
42. Ku.Hingla Bhoi, d/o Manrakhan Bhoi, aged about 19 years.
43. Vrindawan Bhoi, s/o Laxman Bhoi, aged about 21 years,
44. Ku. Jhansi Patel, d/o late Duryodhan Patel, aged about 19 years,
45. Gajanand Bhoi, s/o Narad Bhoi, aged about 25 years
46. Ku. Thanda Bai Karsh, d/o Babu Lal aged about 22 years,
47. Ashok Kumar Patel, s/o Taras Lal aged about 23 years
48. Lochan Singh Sidar, s/o Heera Singh aged about 19 years
49. Dev Kumar Sidar, s/o Dhakad Singh, aged about 21 years
50. Gajanand Patel, s/o Satyanarayan aged about 22 years,
51. Ku. Shubhra Pradhan, d/o Rishi Kumar aged about 19 years,
52. Vidyadhar Patel, s/o Premlal Patel, aged about 20 years
53. Bhajan Lal Jatwar, s/o Ram Prasad aged about 29 years,

(78)

54. Ku. Yogita Sahu, d/o Basant Kishore aged about 20 years,
55. Ku. Chandrakala sahu, d/o Ramlal Sahu, aged about 19 years,
56. Kuber Kumar Devta, s/o Shyam Sunder Devta, aged about 37 years,
57. Kishan Chand Baghel, s/o Ram Chand Baghel, aged about 42 years,
58. Hitesh Kumar Bhoi, s/o Amrit Lal Bhoi, aged about 19 years,
59. Loknath Sao, s/o Anand Ram, aged about 26 years,
60. Ku. Nirmala Ratre, d/o Anup Ram aged about 19 years,
61. Pooran Vishal, s/o Mohit Vishal, aged about 19 years,
62. Rohit Patel, s/o Kamdeo Patel, aged about 30 years,
63. Ved Prasad, s/o Gajendra Kumar aged about 21 years,
64. Ku. Nisha Tandon, d/o Tithi Ram aged about 25 years,
65. Smt. Suman, w/o Taruwar Lal, aged about 25 years.

All are Government Servants posted as Shiksha Karmi Class-III at the Schools of Janpad Panchayat, Pithora, Distt. Mahasamund (C.G).

Versus

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Panchayat and Social Welfare, D.K.S. Bhawan, Raipur, District Raipur (C.G.)
2. Director, Panchayat, Social Welfare Raipur, District Raipur (C.G)
3. Collector, Mahasamund, District Mahasamund (C.G).
4. Chief Executive Officer, Janpad Panchayat, Pithora, District Mahasamund (C.G).
5. District Education Officer, Mahasamund, District Mahasamund (C.G).
6. Chief Executive Officer, District Panchayat, Mahasamund, District Mahasamund (C.G).

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(79)

Appearance :

Shri Shri Awadh Tripathi, Counsel for the petitioners.

Shri A.S. Kachhwaha, Govt. Advocate with Shri Pradeep Singh, Panel Lawyer, for the State on advance copy.

ORAL ORDER
(26.11.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that the petitioners were appointed as Shiksha Karmis Grade-III and were working since last 1½ months. All of a sudden, impugned order dated 04.8.2007 has been passed by the Chief Executive Officer, saying that for the time being they are restrained from working and as an effect of which, now they are not being allowed to work. He submits that the aforesaid order has been sent for confirmation to the State Government u/s 85(2) of the Panchayat Raj Adhiniyam 1993. His submission is that the order has been passed behind the back of the petitioners, therefore, it may be quashed and if the notices are issued, they may be stayed for the time being.

I have heard learned counsel for the petitioners at length and have also perused the documents annexed with the writ petition.

Admittedly, the matter has not attained the finality till date as the same is pending before the statement Government which may confirm/set aside/revise/ modify the order or direct that it shall continue to be in force with or without modification permanently or for such period as it deems fit.

In view of the fact that the matter is still pending before the State Government for final decision in terms of Section 85(2) of the Act, I am not inclined to interfere with this petition at this stage. However, it is observed and expected that the Government will take a decision at the earliest looking to the fact that the order has been dispatched to the Government on 3.8.2007 (Annexure P-7) and no final decision has been taken till now, as stated by learned counsel for the petitioner.

(80)

Learned counsel for the State submits that he will convey this order to the concerned department of the Government at the earliest.

With the aforesaid observations, this petition stands disposed of, at this stage.

Sd/-
Sunil Kumar Sinha
Judge

/Rao/